

ESTTA Tracking number: **ESTTA360382**Filing date: **07/28/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	AnnalisaPartanen
Granted to Date of previous extension	07/28/2010
Address	3010 LBJ Freeway, Suite 990 Dallas, TX 75234 UNITED STATES

Attorney information	Corby Bell Garlitz Bell, LLP 3010 LBJ Freeway, Suite 990 Dallas, TX 75234 UNITED STATES corby@garlitzbell.com Phone:2147367168
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Applicant Information

Application No	77846753	Publication date	03/30/2010
Opposition Filing Date	07/28/2010	Opposition Period Ends	07/28/2010
Applicant	DiSpirito, Neil PO Box 1331 1 White Spruce Lane Levittown, PA 190581331 UNITED STATES		

Goods/Services Affected by Opposition


Class 037. First Use: 1993/12/12 First Use In Commerce: 1993/12/12
All goods and services in the class are opposed, namely: Installation, maintenance and repair of customized lighting, lighting devices, moving light shows

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3566895	Application Date	04/28/2008
Registration Date	01/27/2009	Foreign Priority Date	NONE
Word Mark	CRAZY LIGHT LADY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2005/10/26 First Use In Commerce: 2005/10/26 Education services, namely, providing on-line instruction, seminars, and workshops in the fields of customized holiday lights, control devices for decorative light circuits, electronic control panels, and synchronized musical animated holiday light displays

Attachments	77459428#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (4 pages)(78404 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Corby Bell/
Name	Corby Bell
Date	07/28/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ANNALISA PARTANEN
Opposer,

v.

NEIL DISPIRITO
Applicant.

§ SERIAL NO. 77/846,753
§ Trademark: CRAZY LIGHT GUY
§
§
§
§ OPPOSITION NO.
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NOTICE OF OPPOSITION

Opposer, Annalisa Partanen (“Opposer”), an individual residing in Texas and conducting business as Crazy Light Lady, believes that it will be damaged by the issuance of a registration for the mark Crazy Light Guy, as applied for in Application Serial No. 77/846,753 (“Application”) filed on October 12, 2009 by Applicant, Neil DiSpirito (“Applicant”), an individual residing in Pennsylvania, and hereby opposes said Application and petitions for refusal to register same.

As grounds for opposition, Opposer alleges as follows, with knowledge concerning its own acts, and on information and belief as to all other matters:

1. Opposer is the owner of U.S. Trademark Registration No. 3,566,895 for the standard character mark “Crazy Light Lady,” registered on the Principal Register on January 27, 2009 (“Opposer’s Mark”). The above-identified registration is valid and in full force and effect. Because Opposer’s Mark is registered on the Principal Register, it is presumed to be valid.

2. Opposer has promoted, advertised, marketed and provided services using Opposer’s Mark extensively in connection with holiday light displays, including providing online instruction, seminars, and workshops in the fields of customized holiday lights, control

devices for decorative light circuits, electronic control panels, and synchronized musical animated holiday light displays. By way of Opposer's use and promotional activities in the holiday light field, Opposer has become known as Crazy Light Lady and the public associates Opposer's Mark with Opposer's services. Opposer has worked tirelessly and spent considerable sums of money to establish the good will in Opposer's Mark.

3. Notwithstanding Opposer's valid rights in her trademark, in September of 2009 Opposer became aware of Applicant's use of the name "Crazy Light Guy" in connection with holiday light displays. Opposer contacted Applicant in September 2009 in an effort to police her mark and reach some agreement with Applicant on the use of his confusingly similar mark.

4. After those talks failed to find resolution to the matter, Applicant filed Application Serial No. 77/846,753, the trademark application the subject of this Opposition, on October 12, 2009 for the mark "Crazy Light Guy" ("Applicant's Mark").

5. Opposer timely filed and obtained an extension of time to oppose the Application and is timely filing this Notice of Opposition within the extension period.

6. Correspondence between Applicant and Opposer indicates that Applicant has never actually used Applicant's Mark in commerce, despite his allegation in the Application that Applicant first used the mark in commerce on December 12, 1993. Opposer used Opposer's Mark in commerce at least as early as October 26, 2005, well before Applicant filed his Application. Because Applicant has never used his mark in commerce, Opposer has priority.

7. Because of the similarity of Opposer's Mark and Applicant's Mark, the similar goods and services for which Opposer's Mark and Applicant's Mark are used, the similarity of the trade channels, and actual confusion in the market, Applicant's use of Applicant's Mark in connection with holiday light displays gives rise to a likelihood of confusions between Opposer's

Mark and Applicant's Mark.

8. Opposer's Mark and Applicant's Mark are very similar. Opposer's Mark is "Crazy Light Lady." Applicant's Mark is "Crazy Light Guy." The marks are identical except for the third word in each mark. The difference of the third word in each mark only states a generic or slang term for female or male. The consuming public is likely to focus on the "Crazy Light" portion of each mark rather than the gender identifier. Even considering the gender identifier, the consuming public is likely to assume, because of the more prominent "Crazy Light" portion of each mark, that Opposer and Applicant are somehow related.

9. The goods and services used in connection with Opposer's Mark and Applicant's Mark are identical. Both Marks are used in connection with holiday light displays.

10. Because the goods and services used in connection with Opposer's Mark and Applicant's Mark are identical, it can be assumed that the trade channels are identical.

11. Opposer has previously been contacted regarding her relationship with Applicant due to confusion resulting from Applicant's Mark.

12. Because Applicant's Mark is nearly identical to Opposer's Mark, the goods and services used in connection with each mark is identical, the trade channels are identical, and there has been confusion, Applicant's use of Applicant's Mark is likely to cause confusion, mistake, or deception in the minds of consumers as to the origin or source of Applicant's goods and services in violation of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d), with consequent injury to Opposer and the public.

13. Because of the likelihood of confusion, the public is likely to be confused with Applicant's use of Applicant's Mark and seek Opposer's goods or services from Applicant. Any defect, objection, or fault found with Applicant's goods or services used in connection with

Applicant's Mark would necessarily reflect upon and injure the reputation which Opposer has established for her goods and services.

14. Wherefore, Opposer prays that this Opposition be sustained, and that Application Serial No. 77/846,753 be refused.

Dated: July 28, 2010

Respectfully submitted,

/Corby Bell/
CORBY BELL

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF TRANSMISSION

I hereby certify that this Notice of Opposition is being electronically transmitted to the United States Patent and Trademark Office

on July 28, 2010
Date

/Corby Bell/
Corby Bell

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the parties below by mailing said copy on July 28, 2010, via First Class Mail, postage prepaid, to

Neil DiSpirito
PO Box 1331
Levittown, PA 19058-1331

/Corby Bell/
Corby Bell